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R 676022

EXAMINER
BRINSON, P

24M1/0926

ART UNIT PAPER NUMBER

WATSON, COLE, GRINDLE & WATSON
1400 K ST., N.W.
WASHINGTON, DC 20005-2477

2402

DATE MAILED: 09/26/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire (3) THREE month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1+2 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1+2 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1 and 2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "...a possible external layer...", thereby making the claim indefinite, wherein an external layer is "possibly" there to protect the meshes and it "possibly" could not be there.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Newberry et al.

The patent to Newberry et al. discloses a safety hose comprising, from the interior to the exterior, a tubular layer (26) of elastomeric material, a chain-type mesh-network (28) presenting mesh lines and mesh rows (32), having a tubular shape and being wound on the external surface of the inner, tubular layer (26). An external layer (30) is disclosed to protect the meshes. Fig. 3 discloses the mesh rows (32) being slanted at an angle (A) in relation to the longitudinal axis of the hose, as recited in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over Newberry et al. in view of Cook.

The patent to Newberry et al. discloses all of the recited subject matter, as discussed in the preceding paragraph, however, in fig. 3 some of the mesh lines are slanted in a direction opposite of the mesh rows and some are not. The patent to Cook discloses, however, in fig. 2 that it is old and known in the art to provide mesh lines in a slanted relation to the longitudinal axis of the tube and in an opposite direction of the mesh rows, as recited in claim 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tube of Newberry et al. to include all of the mesh lines to be slanted in the direction opposite of the mesh rows as suggested by Cook in order to provide a reinforcement mesh with superior elastic memory.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Buhrmann et al., Logan, Besche et al., Walton et al., Davis, Piccoli et al., and Igarashi are all pertinent to Applicant's invention in disclosing hoses having mesh reinforcing means between two tubes.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PATRICK F. BRINSON** whose telephone number is (703) 308-0771.



P. F. Brinson
September 17, 1994



DAVID A. SCHERBEL
SUPERVISORY PATENT EXAMINER
ART UNIT 2402